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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 29th August, 1958:—

BILL No. III OF 1958

A Bill to amend the Companies Act, 1956.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Companies (Amendment) Act, Short title, 1958.

2. In section 293 of the Companies Act, 1956, in sub-section (1), Amendment
of section 293.
after clause (e), the following proviso shall be inserted, namely:—

“Provided that no contribution shall be made to the fund of any political party or to the election fund of any candidate for the purpose of election to Parliament, or a State Legislature, or a Territorial Council.”

1 of 1956.

STATEMENT OF OBJECTS AND REASONS

A number of big business houses have been liberally contributing to the funds of political parties. In their recent judgments, the Bombay and Calcutta High Courts have drawn particular attention to the undesirability of such practice. It is, therefore, considered necessary that clause (e) of sub-section (1) of section 293 of the Companies Act, 1956, which enables companies to contribute to charitable and other funds should be suitably amended to prevent such contributions being made to political parties. The Bill seeks to achieve this object.

BHUPESH GUPTA.

Bill No. IV of 1958

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1958. Short title.

5 of 1898. 2. In section 107 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), to sub-section (1), the following provisos shall be added, namely:— Amendment of section 107.

“Provided that no such proceedings shall be taken against any person in respect of any of his action or contemplated action connected with any lawful agitation, movement or effort for the redress of grievances of workers, peasants, middle class employees, traders and businessmen or any other section of the community:

Provided further that no *bona fide* worker of any political party or people's organisation shall be liable to proceedings under this section unless such person has been actually apprehended in an act of commission of a criminal offence.”

Amendment
of section
129.

3. In section 129 of the principal Act,—

(i) for the words “and if it is necessary for the public security that it should be dispersed” the words “and if there are reasonable grounds for apprehending positive and immediate danger of loss of human life” shall be substituted; and

(ii) the following provisos shall be added at the end, namely:—

“Provided that no recourse shall be had to such use of armed forces unless the Magistrate is reasonably satisfied that the police is not in a position to restore order:

Provided further that except in cases of communal disturbances no such use of armed forces shall be made with a view to suppressing movements or peaceful agitations of workers, employees, peasants, or any other sections of the people who have organised themselves to solve their problems in a collective manner.”

Insertion of
new section
131 A.

4. After section 131 of the principal Act, the following section shall be inserted, namely:—

“131A. Whenever the armed forces have been called in for the dispersal of an assembly in the manner provided hereinbefore, the Central Government shall as soon as possible after each such incident, place a report on the calling in of the armed forces on the Table of both Houses of Parliament.”

Amendment
of section
144.

5. In section 144 of the principal Act,—

(i) to sub-section (1), the following proviso shall be added, namely:—

“Provided that no order under this section shall be served on any person engaged in picketing in pursuance of a strike, or in respect of any assembly or procession by any group of people engaged in lawfully ventilating their grievances or sponsoring their demands.”;

(ii) to sub-section (3), the following provisos shall be added, namely:—

“Provided that no order under this section shall be directed to any particular individual or to the public generally with a view to preventing or obstructing, in any manner or

form, the ventilation of legitimate grievances of the people or any section thereof:

Provided further that no such order shall be promulgated in respect of the vicinity of Parliament or a State Legislature or Territorial Council so as to prevent the citizens from proceeding there to voice their grievances or make an effort to be personally heard by the members thereof.”;

(iii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) No order under this section shall remain in force for more than forty-eight hours from the making thereof; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the State Government, with the consent of the High Court of the State, by notification in the Official Gazette, otherwise directs.”

STATEMENT OF OBJECTS AND REASONS

The Code of Criminal Procedure, 1898 was enacted when our country was under foreign rule. There are certain provisions in the Code of Criminal Procedure which were clearly designed for the suppression of the struggle for national independence and the democratic rights and liberties of the people. Such provisions can have no place in free India. In the context of India's political independence and democratic strivings some provisions of the Code of Criminal Procedure call for immediate amendment.

Sections 107, 129, 131 and 144 have been frequently invoked to curtail democratic rights and liberties, to intimidate the people and suppress their movement for the redress of their legitimate grievances.

This Bill seeks to amend the above mentioned sections of the Code of Criminal Procedure in order to prevent any abuse of power on the part of the executive and simultaneously to safeguard the rights and liberties of the people.

BHUPESH GUPTA.

S. N. MUKERJEE,
Secretary.